92-806

Supreme Court, U.S.
FILED
JUN 8 1992
OFFICE OF THE CLERK

CASE NO. _____

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1991

IN RE: JAMES H. & ROSA ANN COSSETT PRO SE;

PETITIONERS;

-VS-

THE FEDERAL JUDICIARY ET.AL;

DEFENDANTS.

ON AN APPEAL FROM "THE STATE" NEW IDEA SECULAR HUMANIST GOVERNMENTAL CONTROLLED RELIGION, ISSUED AS MANDATE JUNE 8,1992

SUPPLEMENTAL EXTRAORDINARY WRIT APPENDIX

PETITIONERS ARE PROCEEDING PRO SE;

PURSUANT TO RULE 20 & 28 U.S.C. § 1651 a JURISDICTION ON EXTRAORDINARY SPECIAL & IMPORTANT REASONS .. "THEREOF"

JAMES H. & ROSA ANN COSSETT PRO SE.
P.O. BOX 191
BOWERSVILLE, OHIO 45307
(513) 453-2432

16 pp

EDITOR'S NOTE

THE FOLLOWING PAGES WERE POOR HARD COPY AT THE TIME OF FILMING. IF AND WHEN A BETTER COPY CAN BE OBTAINED, A NEW FICHE WILL BE ISSUED.

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CASE NO. 91-3926

UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

N-O-T-I-C-E
T-A-K-E-N

File Stamp
R-E-C-I-V-E-D
DEC. 24,1991
LEONARD GREEN,CLERK

"DESECRATION" OF OUR FLAG "TO ESTABLISH NEW FEDERAL JUDICIAL POSITIONS"

THE U.S. SUPREME COURT HAS A NEW PATRIOTISM AND "NO PATRIOTISM" FOR WE THE PEOPLE'S GRAND OLD FLAG.

NOTICE TAKEN

IN THE FULL TEXT OF OPINION BY THE U.S. SUPREME COURT DATED JUNE 20,1989 & DECIDED JUNE 21,1989 WHEREAS: LEGAL ACTION TO CORRECT THIS INJUSTICE HAS BEEN TAKEN WITHIN THE TIME LIMITS OF THE LAW JUNE 12,1990 and JUNE 21,1990

/S/

JAMES H. COSSETT

IN THE U.S. DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF OHIO

WESTERN DIVISION AT DAYTON

JAMES H. & ROSA ANN COSSETT PLAINTIFFS -VS- THE FEDERAL JUDICIARY ET AL; DEFENDANTS	*	CASE NO. C-3-90-183 "DESECRATION" OF OUR FLAG, NOTICE TAKEN & R-E-C-I-V-E-D JUNE 12, 1990 PLACED ON (DOC.#8) JUNE 21,1990

THE U.S. SUPREME COURT HAS A NEW PATRIOTISM AND "NO PATRIOTISM" FOR WE THE PEOPLE'S GRAND OLD FLAG

NOTICE TAKEN

IN THE FULL TEXT OF OPINION BY THE U.S. SUPREME COURT DATED JUNE 20,1989 & DECIDED JUNE 21,1989

WHEREAS: LEGAL ACTION TO CORRECT THIS INJUSTICE HAS BEEN TAKEN WITHIN THE TIME LIMITS OF THE LAW

/S/

JAMES H. COSSETT

JUNE 21,1990 (DOC.# 8)

IN THE U.S. DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF OHIO

WESTERN DIVISION AT DAYTON

JAMES HAROLD COSSETT, et al;	*	CIVIL ACTION NO. C-3-90-183
Plaintiff,:	*	FILE STAMP 12-10-90 9:00 AM
-VS-	*	
THE FEDERAL JUDICIARY et al:	*	DISTRICT JUDGE RICE
Defendants.:	*	MAGISTRATE JUDGE MERZ

JOURNAL ENTRY STRIKING NOTICE OF APPEAL AND DENYING REQUEST TO TRANSMIT FILE TO THE U.S. CONGRESS

This case is before the Court upon the filing by the Plaintiff James Cossett of a purported "Notice of Appeal to the Entire U.S. Congress from Judgement Entry" filed Dec.7,1990, and accompanied by Request to transmit the file herein to the Clerk of the U.S. Senate & the U.S. House of Representatives.

Under Title 28 as adopted by Congress, appeals from this court lie exclusively in the U.S. Court of Appeals for the Sixth Circuit (with certain exceptions, not material here) No appeal at law

is provided to the U.S. Congress and indeed any such appeal would violate the principle of the separation of power so dear to our republican founding forebears.[1]

Accordingly, the Notice of Appeal to Congress is STRICKEN. This action of the Court in no way is intended to impede Plaintiff's undoubted First Amendment right to petition Congress in some way for redress of their grievance.

The Request to Transmit the file to the Clerk of boath Houses of Congress is DENIED.

---

[1]No appeal lies from the Nov. 30 judgement to the Court of Appeals at the present time since the judgement is not final; claims against several Defendants remain unadjudicated as yet. See Fed. R. Civ. P. 54 (b).

DECEMBER 8,1990.

/S/

Michael R.Merz
UNITED STATES MAGISTRATE
JUDGE

cc Judge Rice

IN THE U.S. DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF OHIO

WESTERN DIVISION AT DAYTON

JAMES HAROLD COSSETT et al;	*	CASE NO. C-3-90-183
Plaintiff,	*	District Judge Rice
-VS-	*	Magistrate Judge Merz
THE FEDERAL JUDICIARY et al;	*	FILE STAMP 12-13-90
Defendants.:	*	

NOTICE TO JUDGE WALTER HERBERT RICE

---

1. Under our BILL OF RIGHTS, we the Plaintiffs have it in our power to effectually resist usurpation, without being driven to an appeal to arms. The aforementioned power was retained to we the people by the founding fathers and are second to none.

2. The un-provoked aggression to usurp this power and the threatening telephone calls to the Plaintiffs by Magistrate Michael R. Merz MUST STOP.

3. On Dec. 10,1990, Magistrate Michael R. Merz with malice of forethought and malicious intent to harm, has stricken the Plaintiffs appeal to

(DOC.# 46)

the full United States Congress and usurped the exclusive jurisdiction of power retained to the full United States Congress under TITLE 28 ¶ 13 34 (Retained July 10,1984.)

TO THE REPUBLIC

/S/

JAMES H. COSSETT

/S/

ROSA ANN COSSETT

cc: WILLIAM REHNQUIST

TOMAS FOLEY

DANIEL QUAYLE

IN THE U.S. DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF OHIO

WESTERN DIVISION AT DAYTON

JAMES HAROLD COSSETT et al;	*	CASE NO. C-3-90-183
PLAINTIFFS,	*	DISTRICT JUDGE RICE
-VS-	*	MAGISTRATE JUDGE MERZ (DOC. # 47)
THE FEDERAL JUDICIARY et al;	*	FILE STAMP 12-26-90
DEFENDANTS.:	*	4:20 PM

REPORT & RECOMMENDATIONS OF U.S. MAGISTRATE JUDGE; JOURNAL ENTRY GRANTING SANCTIONS UNDER RULE 11

This case is before the Court upon Motion of Defendants Merchants and Mechanics Federal Savings and Loan Association, Wayne Spar, Mary McCormick, and Jerome Strozdas for Summery Judgement on the Complaint & on their Counterclaim and for sanctions pursuant to Fed.R. Civ. P. 11 (DOC #39)

This Motion was served on Plaintiffs Nov. 30,1990. and filed with the Court on Dec. 3, 1990, this Court notified Plaintiffs of right to respond and of the time within which to make

a response (DOC.# 40). Plaintiffs have filed only the following documents:

1. On Dec. 7,1990, they filed a Notice of Appeal (DOC.# 41) to the Entire United States Congress which purports to relate only to the Judgement Entry of Nov. 30,1990, adopting the Magistrate's Report and Recommendation that all of the non-moving Defendants (EXCEPTING FORMER GOVERNOR JAMES RHODES) should be dismissed. This Notice of Appeal was accompanied by requests (DOC.# 42 & # 43) TO TRANSMIT THE FILE TO THE CLERK OF THE SENATE AND HOUSE OF REPRESENTATIVES.

2. Also on Dec. 7,1990, the Plaintiffs file a letter referring again to their theory that somehow this case has something to do with the FLAG-BURNING case decided by the U.S. Supreme Court. The letter had attached proof of service on former Governor Rhodes, in response to the Magistrate's Order to Show Cause (DOC.# 38). The letter contained a "SPECIAL NOTE TO MAGISTRATE MICHAEL R. MERZ" which reads as follows:

> YOUR BIASED AND PREJUDICED SELF-SERVING UN-JUST INTERVENTION TO OVER "EXPRESS" YOUR BURNING LUST FOR POWER SERIOUSLY ABRIDGES MY "BILL OF RIGHTS"
>
> YOUR ...

> .... MOTION FOR "SUMMERY JUDGEMENT" FILED DEC. 3,1990, AND YOUR CONSTITUENTS, JEROME STROZDAS, WAYNE SPAR, AND MARRY McCORMICK MOTION FOR SUMMERY JUDGEMENT FILED NOV. 30, 1990 ARE (JUXTAPOSITION) ONE IN [sic] THE SAME FOR WHICH YOU WISH TO SIT IN JUDGEMENT AS ONE SUPREME POWER.

3. On Dec. 13,1990, the Plaintiffs filed a Notice to Judge Walter Herbert Rice complaining of the Magistrate's telephone call to them((actually returning a telephone call from Mr. Cossett) and of his striking their purported appeal to Congress.

Thus the Plaintiffs have made no response at all to the merits of the pending motion for summery judgement. Moreover, they have never filed a reply to the Counterclaim and are in defalt.

Summery judgment is proper "if the pleadings ,depositions, answer to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and the moving party is entitle to judgment as a matter of law. Fed. R. CIV. P. 56. On a motion for summary judgement, the movant has the burden of showing that there exists no genuine issue of material fact, and the evidence, together with all inferences that can

reasonable be drawn therefrom, must be read in the light most to the party opposing the motion. Aickes v. S.H. Kress & Co., 398 U.S. 144, 157 -59 (1970). Nevertheless, " the existence of some alleged factual dispute between the parties will not defeat an otherwise properly supported motion for summery judgement; the requirement is that their be no genuine issue of MATERIAL fact. Anderson v. Liberty Lobby Inc., 477 U.S. 242, 247-48 (1986)(emphasis in original). Summery judgement is properly regarded not as a disfavored procedural shortcut, but rather as an integral part of the Federal Rules as a whole, which are designed to "secure the just, speedy & inexpensive determination of every action. Celotex Corp. v. Catrett. 477 U.S. 317, 327 (1986) Reading, Liberty lobby and Celotex stand for the proposition that a party may move for summery judgement asserting that the opposing party will not be able to produce sufficient evidence at trial to withstand a directed verdict motion. Street v. J.C. Bradford & Co., 866 F.2d 1472 (6th Cir. 1989) If, after sufficient time for

discovery, the opposing party is unable to demonstrate that he or she can do so under the Liberty Lobby criteria, summer judgement is appropriate. Id. The opposing party must "do more than simply show that there is some metaphysical doubt as to the material facts". Matsushita Electric Industrial Co. Ltd v. Zenith Raido Corp. 475 U.S. 547,586 (1986).

Examination of the Complaint reveals the following allegations against the presently moving Defendants:

1. Merchants and Mechanics Federal Savings and Loan Association (hereinafter M&M) PURCHASED the Cossetts property, valued at $110,000, for $40,000, (Complaint, p2).

2. M&M filed a false proof of claim in the Cossett bankruptcy case predicated upon a ex-parte order of judgement from Green County Common Pleas Judge Judson L. Shattuck Jr..

3. M&M is in possession of $70,678.51 stolen from the Cossetts and has conspired with its past employees (PRESUMABLY DEFENDANTS SPAR & McCORMICK) to cover up bank embezzlement .

4. Wayne Spar has failed to credit to the Cossetts

account payments made by them.

5. Mary McCormick has embezzled and extorted $3,000, from the Cossetts by failure to make credit to their account.

6. Jerome Strozdas conspired to overthrow the U.S. Government and to establish an unconstitutional de facto government, to cover up bank embezzlement. to extort and embezzle $31,920.91 from the Cossett's bankruptcy estate, and to purchase the Cossett property at $40,000, as well as filing the false proof of claim.

Each of these claims by PLAINTIFFS against the moving Defendants relates to or arises out of the foreclosure action filed by M&M against the Plaintiffs, Case No. 82CV 413 in the Green County Common Please Court. Each of these claims has been the subject of repeated litigation in a number of different courts. The details of the past litigation are set fourth in the affidavit of Defendant Strozdas attached to the Motion and in the various courts papers indentified in that Affidavit and attached as Exhibits to the Answer and Counterclaim (DOC.# 19). Review of those exhibits and comparison of them with the Complaint here make

it extremely clear that any claim made here has been previously made or could have been made in one of the prior cases. All of those cases have been terminated on the merits and all of the claims made by Plaintiffs have been rejected.

Under the doctrines of res judicata and collateral estoppel, issues once litigated to final judgement may not be relitigated and clams which could have been made in prio litigation with the same parties but which were omitted may not be subsequently litigated. All of the claims made by Plaintiffs in this action have been REPEATEDLY litigated in the past AND IN FACT been recently dismissed on res judicata grounds in the Clark County COMMON Pleas Court. All of Plaintiffs claims against the moving Defendants should be dismissed WITH PREJUDICE as barred by res judicata and/or collateral estoppel.

IN ADDITION TO DISMISSAL, THE MOVING DEF. SEEK INJUNCTIVE RELIEF RESTAINING & ENJOINING THE PLAINTIFFS FROM FILING IN THIS OR ANY OTHER COURT ANY NEW CLAIMS OR SUITS PERTAINING TO OR IN ANY WAY RELATED TO THE FORECLOSURE, BANKRUPTCY, PROHIBITION, QUO WARRANTO, OR OTHER PROCEEDINGS CONCLUDED PREVIOUSLY IN THIS OR ANY OTHER COURT WITHOUT FIRST SEEKING AND OBTAINING PRIOR WRITTEN AUTHORIZATION FROM THIS COURT.

(Answer and Counterclaim, Doc.# 19, at 8). The Magistrate emphasizes that the Plaintiffs have filed no response to this request, either by way of reply to the Counterclaim or by way of response to the Motion for Summery Judgement.

Federal courts have authority to issue injunctions of the sort sought by the moving Defendants, both to protect such parties from abusive litigation and to protect the court's own scarce resources to decide the cases of other litigants. People of the State of Colo. v. Carter, 678 F. Supp. 1484 (D.Colo. 1986).

In fashioning such injunctive relief, this Court must take care to prevent barring Plaintiffs from legitimate access to the court, while granting the relief to which Def. are entitled. Unlike the situation addressed in the Procup & Carter cases, Plaintiffs do not appear to have a pro clivity to litigate many different claims against different parties, but merely to attempt to litigate repeatedly their dispute with M&M, although they have added additional parties as the dispute has continued. Thus the injunctive relief specifically sought by the moving Def.'s

properly balance their own need for protection with Plaintiff's constitutional right of access to the court.

The Magistrate accordingly recommend that Plaintiffs be permanently enjoined and restained from filing in this or any other court any new claims or suits pertaining to or in any way relating to the foreclosure, bankruptcy, prohibition, quo warranto , or other proceedings concluded previously in this or any other court without first seeking and obtaining prior writtem authorization from this court, unless such claims are filed by a licensed attorney.

The moving Defendants also seek an award of $1,211.25 in attorney's fees under Fed. R. Civ. P.11 which provide in pertinent part:

> EVERY PLEADING, MOTION, AND OTHER PAPERS OF A PARTY REPRESENTED BY AN ATTORNEY SHALL BE SIGNED BY AT LEAST ONE ATTORNEY OF RECORD IN THE ATTORNEY'S INDIVIDUAL NAME, WHOSE ADDRESS SHALL BE STATED .A PARTY WHO IS NOT REPRESENTED BY AN ATTORNEY SHALL SIGN THE PARTY'S PLEADINGS, MOTION, OR OTHER PAPER AND STATE THE PARTY'S ADDRESS. ... THE SIGNATURE OF AN ATTORNEY OR PARTY CONSTITUTES A CERTIFICATE BY THE SIGNER THAT THE SIGNER HAS READ THE PLEADING, MOTION, OR OTHER PAPER; THAT TO THE BEST OF THE SIGNER'S KNOWLEDGE, INFORMATION, AND BELIEF FORMED AFTER REASONABLE INQUIRY IT IS WELL GROUNDER IN FACT AND IS WARRANTED BY EXISTING LAW OR A GOOD FAITH ARGUMENT FOR THE EXTENSION,

> MODIFICATION, OR REVERSAL OF EXISTING LAW, AND THAT IT IS NOT INTERPOSED FOR ANY IMPROPER PURPOSE, SUCH AS TO HARASS OF CAUSE UNNECESSARY DELAY OR NEEDLESS INCREASE IN THE COST OF LITIGATION. ...IF A PLEADING, MOTION, OR OTHER PAPER IS SIGNED IN VIOLATION OF THIS RULE, THE COURT, UPON MOTION OR UPON ITS OWN INITIATIVE, SHALL IMPOSE UPON THE PERSON WHO SIGNED IT, A REPRESENTED PARTY, OR BOTH, AN APPROPRIATE SANCTION, WHICH MAY INCLUDE AN ORDER TO PAY TO THE OTHER PARTY OR PARTIES THE AMOUNT OF THE REASONABLE EXPENSES INCURRED BECAUSE OF THE FILING OF THE PLEADING, MOTION, OR OTHER PAPER, INCLUDING A REASONABLE ATTORNEY'S FEE.

The test for imposition of Rule 11 sanctions is whether the particular party's actions were reasonable under the circumstances. Mann v. G & G Mfg., Inc., 900 F. 2d 953 (6th Cir. 1990); Century Products, Inc. v. Sutter, 837 F. 2d 247 (6th Cir. 1988). Plaintiffs' filing of the Complaint in this case was not reasonable under the circumstances. Their allegations against the various governmental officials who were sued (who are not parties to the Rule 11 motion) are fantastic. All of their factual allegations regarding the foreclosure action have previously been presented to other courts and have been found insubstantial in every case. To attempt in this action to relitigate all of the questions

which have been previously made and litigated was to take a position not warranted by existing law or by any good faith argument with respect to changing the law. At some point when parties engage in repeated attempts to litigate the same questions, the conclusion becomes inescapable that the action is motivated by an improper purpose, such as harassment, and that is evident also on this record. The Court finds that the Complaint herein as to the moving Defendants was filed in violation of Fed. R. Civ. P. 11.

When a Rule 11 violation is found, imposition of sanctions is mandatory. Albright v. Upjohn Co., 788 F. 2d 1217 (6th Cir. 1986). In determining the appropriate amount of sanctions, this Court must consider the deterrence and punishment of offenders and compensation of their opponents. INVST Financial Group, Inc. v. Chem-Nuclear Systmes, Inc., 815 F. 2d 391 (6th Cir. 1987). Opponents of Rule 11 violators have a duty to mitigate their damages resulting from the violation. INVST, 815 F 2d at 404.

Considering these principles, the amount of $1,211.25 sought by the moving Defendants for attorney's fees is very reasonable. As the Affidavit of Mr. Strozdas shows, it represents the actual amount of fees billed by Defendants' trial attorney, Mr. John Butz, at $85 per hour. From the Court's contact with other recent fee applications and its experience with Mr. Butz, the Court finds this to be an extremely reasonable hourly rate for Mr. Butz's time. In addition, in examining the work product filed in this action by Mr. Butz, the 14.25 hours represented by the total bill of $1,211.25 is also very reasonable. Thus an award of $1,211.25 is fair compensation to the moving Defendants.

Moreover, the Court finds that no lesser award is likely to deter the Plaintiffs from repeating their conduct. These Plaintiffs have been given a number of prior opportunities to litigate about their cliams. Unsatisfied with the judgments they have received in those cases, they have returned to this Court with this action, even in the face of a judgment dismissing similar claims in state court on re judicata

grounds. The very purpose of the doctrine of res judicata is to save the expense of re-litigating matters which have already been decided. Obviously, the decisions of prior courts that their claims have no merits have been insufficient to deter the Plaintiffs from filing again, so it is clear that no sanction less than fully shifting to Plaintiffs the costs they have imposed on the moving Defendants will serve to deter them.

On December 1, 1990, the Magistrate ordered the Plaintiffs to show cause why their claims against former Governor James A. Rhodes should not be dismissed for lack of service of process (Doc. #38). Plaintiffs responded by producing (Doc. #44, second page) xerox copies of receipts for certified mail addressed to James A. Rhodes at 42 East Gay Street, Columbus, Ohio 43215. This Court does not know whether that is a correct address for Governor Rhodes, but will assume that it is in the absence of an objection by him. Upon this filing, Plaintiffs have shown what purports to be good service and the Order to Show Cause is dissolved.

However, the Magistrate sua sponte recommends that the claims against James Rhodes be dismissed as frivolous. The only allegations made against James Rhodes involve his appointment of Judge Shattuck to the bench in Greene County and his supposed involvement in the fanciful conspiracy to replace our constitutional form of government with what Plaintiffs are pleased to call a de facto monarchy. The Magistrate has previously recommended that similar claims against other current or former governmental officers be dismissed for failure to state a claim upon which relief can be granted and the Court has adopted those recommendations (Doc. #36). The similar claims against James Rhodes have no more substance and should also be dismissed.

December 26, 1990.

/S/
Michael R. Merz
UNITED STATES MAGISTRATE JUDGE

IN THE U.S. DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF OHIO

WESTERN DIVISION AT DAYTON

JAMES HAROLD COSSETT et al;	*	CASE NO. C-3-90-183
PLAINTIFFS	*	OBJECTION TO R&R OF
-VS-	*	MAGISTRATE JUDGE
THE FEDERAL JUDICIARY et al;	*	FILE STAMP 1-7-91
DEFENDANTS	*	(DOC.# 48)

"WE THE PLAINTIFFS JAMES H. & ROSA ANN COSSETT OBJECT TO HAVING OUR "BILL OF RIGHTS" AND OUR AMERICAN FLAG DESTROYED BY PEOPLE LIKE MICHAEL R. MERZ (JUDGE)

/S/

James H. Cossett
P.O. BOX 191
Bowersville, Ohio
45307

(513) 453-2432

/S/

Rosa Ann Cossett
(same)

(DOC.# 48)

IN THE U.S. DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF OHIO

WESTERN DIVISION AT DAYTON

JAMES H. COSSETT ET AL; * CASE NO. C-3-90-183

PLAINTIFF'S * JUDGE WALTER HERBERT RICE

-VS- *

THE FEDERAL JUDICIARY et al ; * FILE STAMP 1-31-91 AM 11:26

DEFENDANT'S * (DOC.# 49)

DECISION AND ENTRY ADOPTING REPORT & RECOMMENDATION OF THE U.S. MAGISTRATE JUDGE (DOC.# 47) : OPINION WITH REFERENCE TO FINAL ORDER GRANTING SANCTIONS UNDER RULE 11: SANCTIONS ORDER UPHELD AS NOT CLEARLY ERRONEOUS, CONTRARY TO LAW OR ABUSE OF DISCRETION: TERMINATION ENTRY.

On Dec. 26,1990 the U.S. Magistrate Judge Michael R. Merz, filed a Report & Recommendation (DOC.#47) recommending that:

1. All of Plaintiff's remaining clams involving the Savings & Loan Association, it's employees and attorney be dismissed WITH PREJUDICE on RES JDUICATA GROUNDS;

2. Plaintiff's against former Governor James Rhodes be dismissed as frivolous;

3. As requested in the counterclaim by the Saving and Loan Defendants, that the Plaintiffs

be enjoined from filing any new lawsuits related to these claims without prior authorization from this court, unless the claims are filed by a licensed attorney.

Plaintiffs have responded by filing OBJECTIONS (DOC.#48) which read in their totality "WE THE PLAINTIFFS JAMES H. & ROSA ANN COSSETT OBJECT TO HAVING OUR 'BILL OF RIGHTS' AND OUR AMERICAN FLAG DESTROYED BY PEOPLE LIKE MICHAEL R. MERZ." They have also filed an "Appellants" Brief to the full United States Congress", presumably in support of their prior Notice of Appeal to Congress which the Magistrate STRUCK.

Based on a thorough reading of the Magistrate's Report & recommendations and a review of the entirety of the captioned case file , this Court deem said Report & Recommendations to be well taken and same are, therefore, adopted in their entirety. IN SO RULING, THIS COURT:

1. dismiss all of Plaintiffs' remaining claims involving the saving and Loan Association, it's employees and attorney, WITH PREJUDICE AND RES JUDICATA GROUNDS;

2. dismiss as frivolous Plaintiffs' claims against former Governor James Rhodes; and

3. order that the Plaintiffs be enjoined from filing any new lawsuits related to these same claims without prior authorization from this Court, unless said claims are filed by a licensed attorney.

Judgement may now be made final in favor of all Defendants and against Plaintiffs herein.

The Magistrate, in the aforesaid Report & recommendations, also filed a " Journal Entry granting sanctions under Rule 11." PURSUANT to 28 U.S.C. § 636(b)(1)(A), a district judge may reconsider any PRE-TRIAL matter under sub-paragraph (A) where it has been shown that the Magistrate's order is clearly erroneous or contrary to law. Although the plaintiffs have not objected to this sanctions order, the Court has reviewed same in light of the entirety of not only this file but the universe of litigation that the plaintiffs have filed on the subject matter of this lawsuit and has concluded that the Magistrate's order is neither CLEARLY ERRONEOUS, to law nor an abuse of discretion. Such order is,

accordingly, adopted by this Court in it's ENTIRETY.

The captioned cause is hereby ordered TERMINATED UPON THE DOCKET RECKORD of the U.S. District Court for the Southern District of Ohio, Western Division at Dayton.

/S/

WALTER HERBERT RICE
UNITED STATES DISTRICT JUDGE

Copies mailed to :
JAMES H. COSSETT
ROSA ANN COSSETT
JAMES E. RATTAN, ESQ.
CHARLES TIEFER, ESQ.
GERALD P. SUMMERS,ESQ.
THOMAS J. O'CONNELL, ESQ.
GEORGE W. LEDFORD, ESQ.
JOSEPH T. CAMPBELL, ESQ.
MARGARET E. WHITTNER, ESQ.
THOMAS J. ROSE, ESQ.
JOHN R. BUTZ, ESQ.

(JUDGE) MICHAEL R.MERZ

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JAMES H. COSSETT,
et al,

FILE STAMP 1/31/91

-VS-

Judgement in a
Civil Case

THE FEDERAL JUDICIARY,,
et al,

___ JURY VERDICT: This actin came before the Court for trial by jury.

__+__ DECISION BY COURT: This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED: that the Report and Recommendations of the United States Magistrate Judge, filed December 26,1990, is adopted;

that the Sanctions is upheld;
that the above captioned cause is terminated.

Jan. 31,1991
Date

Kenneth J. Murphy
Clerk

/S/
(BY) Deputy Clerk
E. OSBORN
(DOC.# 50)

IN THE U.S. DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF OHIO

WESTERN DIVISION AT DAYTON

JAMES H. & ROSA ANN COSSETT,	*	CASE NO. C-3-90-183
	*	JURY DEMANDS
PLAINTIFF RELATORS	*	MOTION TO RE-OPEN & RE-DOCKET THE FLAG
-VS-	*	BURNING ISSUE THAT
THE FEDERAL JUDICIARY et al;	*	WAS PREVIOUSLY RAISED IN THIS CASE AND
	*	TERMINATED UPON THE
DEFENDANTS RELATED.	*	DOCKET
	*	U.S. DISTRICT JUDGE
FILE STAMP JULY 9,1991	*	WALTER RICE

Now come James H. & Rosa Ann Cossett, the Plaintiffs Relators, and move the Court to Re-open and Re-docket the above caption cause on the grounds that the full term period for P.L. 98-353 has expired. On Jan.31,1991 this Court invoked the jurisdiction of said law &, with bias and prejudice, terminated the caption cause FLAG BURNING issue that was previously raised in this Case.

The first Amendment Bill of Rights holds a provision that has become known as the

(DOC.# 51)

ESTABLISHMENT CLAUSE !! The ESTABLISHMENT CLAUSE ABSOLUTELY prohibits the Government from interfering, infringing, or abusing a divine providence preserved exclusively "respecting the establishment of religion" However, the American Flag was burned to invoke the "FREE EXERCISE THERE/ESTABLISHMENT CLAUSE" to establish a "NEW IDEA"GOVERNMENTAL form of religion that for the past seven years has reigned supreme over the Plaintiff Relators. This "NEW IDEA" form of religion has become inoperative under the statue of seven year limitation. The Defendants Related have infringed upon a divine providence retained exclusively "RESPECTING THE ESTABLISHMENT OF RELIGION" holding themselves to be vested with power to force involuntary bankruptcy and conditions of servitude to a second reich "FEDERAL JUDICIAL POSITION" THAT HOLDS NO DIVINE POWER.

WHEREFORE: We the Plaintiff Relators will serve no governmental from of religion that burns the American Flag to covertly ESTABLISH "FEDERAL JUDICIAL POSITIONS" as a governmental religion

and are entitle to relief from all judgements and bondage forced upon them by this foreign power.

SUPPLEMENTAL CAUSE FOR COMPLAINT

PART I

THE REICH-RAT REPUBLIC, while covertly assembled under a false banner of peaceful assembly and as "THE JUDICIAL CONFERENCE", ESTABLISHED themselves by "free exercise thereof" as a foreign power equal to that of "THE REICH-RAT UPPER HOUSE OF PARLIMENT DURING THE PERIOD OF THE SECOND REICH WEIMAR REPUBLIC", and have for a number of years reigned supreme over other members of the Court and trial by jury causing domestic inserrection and rebellion against free people by their establishment of foreign SECOND REICH FEDERAL JUDICIAL POSITIONS in the UN-UNITED FEDERAL DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO AT DAYTON and further in the Court of common Pleas, Green County Ohio at xenia. These Positions were established by covert mock trials in the Ohio Supreme Court to show contempt for free people of Ohio and in the same manner that Hitler ESTABLISHED the FIRST REICH, THE SECOND REICH, AND THE

THIRD REICH. The "NEW IDEA" for the revolution was to amend the Bill of Rights from its original position by the burning of OUR FLAG to have the Federal Judgeship Act of 1984 hold a more supreme position of power. James H.& Rosa Ann Cossett, for a number of years, have been forced to live under the oppression and conditions of servitude while being forced to pay cash bondage to the SECOND REICH who have burned OUR FLAG to fundamentally alter our FIRST AMENDMENT to ESTABLISH a jurisdiction that is foreign to the Constitution of free people.

PART II

LIST OF DEFENDANTS RELATED TO THE "NEW IDEA" FLAG BURNING REVOLUTION

PRESIDENT GEORGE BUSH
V.P. PRESIDENT J. DANFORTH QUALE
THE MERCHANTS & MECHANICS FEDERAL SAVINGS & LOAN ASSOCIATION
ROBERT PATRELLA
GREGORY LEE JOHNSON
THURGOOD MARSHALL
HARRY BLACKMUN
ANTONIN SCALLIA
ANTHONY KENNEDY
JOSEPH R. BIDEN JR.
JACK BROOKS
GERALD P. SUMMERS
D. MICHAEL CRITES
WILLIAM A. CLARK
HERMAN J. WEBER
MICHAEL DEWINE
GEORGE W.LEDFORD
JAMES A. RHODES
RICHARD CELESTE
JUDSON L. SHATTUCK JR.
WILLIAM F. SCHENCK
DAVID L. HOBSON
JOSEPH E. HAINES
WAYNE SPAHR
MARY McCORMICK
JEROME M. STROZDAS
RONALD REAGAN
WILLIAM J. BRENNAN JR.
STROM THURMOND
PETER W. REDINO JR.
JOSEPH F. SPANIOL JR.
EDWARD T. GIGNOUX
DAVID SOUTER

RUGGERO J. ALDISERT
RICHARD THORNBURG
HOWELL HEFLIN
MICHAEL R. MERZ
ROBERT FOSTER
CHARLES A. HORSKY
RICHARD LEVINE
NORMAN H. NACHMAN
JOSEPH PATCHAM
LARENCE P. KING
GEORGE VOINOVIVH

CALIVE W. BARE
ROBERT DOLE
THOMAS ROSE
JOHN T. COPENHAVER JR.
ASA S. HERZOG
HERBERT KATZ
BERYL E. McGUIRE
ALEXANDER L. PASKEY
MOREY L. SEAR
WALTER J. TAGGART

INTRODUCTION TO THE NEW REICH-RAT REPUBLIC
SECOND /REICH ESTABLISHED BY
"FREE EXERCISE THEREOF" BURNING OF OUR FLAG
AND THE DEFENDANTS RELATED NOW HOLDING
SECOND REICH "FEDERAL JUDICIAL POSITIONS"
WHO FORCE BONDAGE UPON FREE PEOPLE OF THE REPUBLIC
FOR WHICH THE AMERICAN FLAG STANDS

In order for the new REICH -RAT REPUBLIC to become effective, the United States Constitution "BILL OF RIGHTS" First Amendment had to be Re-amended from its original position. Senator Dole and Senator Heflin introduced S.J. 332 FLAG BURNING ISSUE" to the full United States Congress to amend our "BILL OF RIGHTS". THE NEW REICH-RAT REPUBLIC covertly hid NEW SECOND REICH "FEDERAL JUDICIAL POSITIONS" BEHIND THIS IMPORTANT issue. past President Ronald Regan and now President George Bush and large numbers of the Republican party gave their full support to the amendment

to OVERTHROW free people .

HOWEVER, THIS AMENDMENT REQUIRED 2/3 VOTE TO PASS THE FULL U.S. CONGRESS. THANK GOD the full United States Congress did not amend our BILL OF RIGHTS on the flag burning issue and for all intent and purposes, the founding fathers adopted the first Amendment phrase "FREE EXERCISE THEREOF" for the establishment of unconditional exclusive rights RESPECTING AN ESTABLISHMENT OF RELIGION and in lieu of Godly practice and procedure expert Revolutionaries of THE NEW REICH- RAT REPUBLIC misconstructed and abused the divine providence preserved for the exclusive establishment of religion.

The FLAG BURNING ISSUE BROUGHT before the full U.S. Congress was only to be used by the NEW REICH-RAT REPUBLIC as a stepping stone to Amend our"BILL OF RIGHTS", while THE FEDERAL JUDGESHIP ACT OF 1984 WAS ("JUXTAPOSITION") side-by-side our BILL OF RIGHTS, AND MEMBERS OF THE NEW REICH-RAT REPUBLIC made ready to amend our BILL OF RIGHTS to change positions with THE FEDERAL JUDGESHIP ACT OF 1984. By their order of

SENIORITY , "THE FEDERAL JUDGESHIP ACT OF 1984 would hold a more supreme position of power.

In order to understand the misconstruction and abuse of the divine providence preserved for and respecting the establishment of religion, we must look at the five parts of the BILL OF RIGHTS First Amendment and the five functions "OF THE INTENDED MESSAGE".

FUNCTION NO.1

Free Exercise Thereof.. Respecting an ESTABLISHMENT OF RELIGION

FUNCTION NO.2

FREE SPEECH

FUNCTION NO.3

FREE PRESS

FUNCTION NO. 4

Free Rights to Peaceable Assembly (BUT NOT TO OVERTHROW OR INCITE A REVOLUTION)

FUNCTION NO.5

Free Rights to Petition The Government For REDRESS OF GRIEVANCES

As we have noted, the exclusive function of No. 1 is "FREE EXERCISE THEREOF" RESPECTING AN

ESTABLISHMENT OF RELIGION . (so said by the Founding Fathers).

However, members of "THE NEW REICH-RAT REPUBLIC", while sitting as "THE JUDICIAL CONFERENCE", abused this divine right of ESTABLISHMENT for other causes as an establishment of SECOND REICH FEDERAL JUDICIAL POSITIONS under "THE FEDERAL JUDGESHIP ACT OF 1984, while by Free Exercise Thereof overthrew the Constitution of free people of the United States of America and burned our Flag.

While the REICH-RAT Republican Party National Convention was taking place in Dallas, Texas in July of 1984, DEFENDANT RELATED GREGORY LEE JOHNSON participated in a high tacit political SEKHMET mockery of justice demonstration. THEREOF the RICH-RAT Republican party declared WAR ON THE FREE PEOPLE OF THE UNITED STATES OF AMERICA, without speaking a word, Johnson Expressed himself and took part with such activists while burning OUR FLAG by "FREE EXERCISE THEREOF" AS AN ESTABLISHMENT OF NEW FEDERAL JUDICIAL POSITIONS under THE FEDERAL JUDGESHIP

ACT OF 1984.

GREORGY LEE JOHNSON AND OTHERS:

(SEKH-MET) A BLOOD THIRSTY GODDESS, SOMETIMES IDENTIFIED WITH HATHOR, WHO ATTEMPTED TO DESTROY MANKIND.

(REICH-RAT) THE PERIOD OF THE SECOND REICH.

(THEREOF) FROM OR OUT OF THAT ORIGIN OR CAUSE.

As found in THE FEDERAL JUDGESHIP ACT OF 1984 and threwout "THERE-OF",the framers of this act (WHO ARE SENIOR MEMBERS OF THE REICH-RAT REPUBLIC) HAVE USED THE COMBINATION OF TWO WORDS, "THERE-OF", but for the most part made no reference or respect to which they were implying. We can only conclude that "THEREOF" IS REFERRING TO THE TERM "THEREOF" originally used by the Founding Fathers in the First Amendment. Gregory Lee Johnson, member of THE SECOND REICH invoked the First Amendment "FREE EXERCISE THEREOF" TO "DESECRATE" OUR FLAG that is protected "UNDER GOD".

Without the ADVICE AND CONSENT of the FULL United States Senate for Qualifying individuals to hold Second Reich NEW Federal Judicial

POSITIONS, regardless of their " NATIONAL ORIGIN" Ronald Regan, as a covert member of the REICH-RAT REPUBLIC while holding the office of President of the United States of America, committed insurrection and rebellion against said office and appointed HERMAN J. WEBER to a SECOND REICH FEDERAL JUDICIAL POSITION. HERMAN J. WEBER BROKE HIS ALLEGIANCE TO OUR FLAG AND THE REPUBLIC FOR WHICH IT STANDS, and rebelled against the free people of Green County of Xenia Ohio. Herman J Weber had perviously taken an oath to protect & defend the Constitution of Ohio and the Constitution of the United States of America. However, his REFUSAL to serve out his full term of office Constitutes insurrection and rebellion against the oath taken. The covert action by President Ronald Reagan and Herman J. Weber, clearly demonstrates that the Judicial Branch of our "PERFECT UNION" has become un-united as a REICH-RAT SECOND REPUBLIC to establish NEW SECOND REICH FEDERAL JUDICIAL POSITIONS to amend the rights of free people. Herman J. Weber and William A. Clark by FREE EXERCISE THEREOF took up their SECOND REICH NEW FEDERAL JUDICIAL POSITIONS in

the un-united Federal District Court for the Southern District of Ohio at Dayton. William A. Clark took his defacto position in the Second REICH Bankruptcy Court and George W. Ledford (AS A VOLUNTEER MEMBER OF THE NEW SECOND REICH) and by FREE EXERCISE THEREOF, appointed himself by rubber stamp forgery to a SECOND REICH FEDERAL JUDICIAL POSITION as Judge and Jury to steal by forgery cash bondage of $32,000.00 belonging to the estate of James H.& Rosa Ann Cossett. The Merchants & Mechanics Federal Savings & Loan Association of Springfield,Ohio & their Attorney, Jerome Strozdas, SUMMONED James H. & Rosa Ann Cossett into the Second Reich Bankruptcy Court in order to cover up embezzlement, rubber stamp forgery, and to enforce their EX-PARTE Judgement granted by their comrades Herman J. Weber & Judson L. Shattuck Jr. MEMBERS OF THE NEW SECOND REICH REFUSED TO HONER THE JURISDICTION OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO AT DAYTON & FOUR DAYS BEFORE CHRISTMAS SAT THE COSSETT FAMILY OUT OF THEIR $110,000.00 (FAIR MARKET

VALUE) HOME AND SOLD IT TO THEIR COMRADE THE MERCHANTS & MECHANICS FEDERAL SAVINGS & LOAN ASSOCIATION FOR $40,000.00 . The REICH RAT REPUBLIC Bankruptcy Court Judge William A. Clark said this action by his COMRADS was "COMMON PRACTICE" and denied the Cossetts' DEMANDS FOR TRIAL BY JURY.

In order to appoint Herman J. Weber and others to a SECOND REICH-RAT FEDERAL JUDICIAL POSITION, the REICH-RAT REPUBLIC knowing and willingly moved contrary to the MANDATE OF THE Constitution of free people and demonstrated a mockery of justice which had been established as a mandate that for two hundred years has worked as the most wholesome and necessary for the public good to appoint legal and Constitutional Judges; i.e. Senator Strom Thurmond, Chairman of the Judiciary Committee, held a mock hearing to usurp the power of vesture to the full United States Senate to give "ADVICE AND CONSENT" to confirm the appointment of Herman J. Weber; hence while the full Senate being vested with power to give said ADVICE AND CONSENT, have not done so

TO CONFIRM the appointment of Herman J. Weber, the nomination was returned to the office of the President by the Senate Judiciary Committee.

Further, to show contempt for the Constitution of free people and without Jurisdiction to give ADVICE AND CONSENT for the confirmation of appointes, Peter W. Redino, Jr. as Chairman of the HOUSE Judiciary Committee, introduced and appointed Herman J. Weber to a SECOND REICH FEDERAL JUDICIAL POSITION UNDER P.L. 98-353 in the un-united FEDERAL DISTRICT COURT for the S. District of Ohio at Dayton. Herman J. Weber further Combined with COMRADE Judson L. Shattuck Jr. to fill the seat that he vacated to join the NEW REICH-RAT REPUBLIC, and Judson L. Shattuck Jr. took his seat in the Court of Common Pleas, Green County at Xenia,Ohio. In the name of free people of Green County, the county Prosecutor, William F. Schenck, won a conviction to OUST Judson L. Shattuck Jr. for unlawfully holding the office of Judge as a SECOND REICH JUDICIAl POSITION and as a member of the new REICH-RAT REPUBLIC. The Case of [SCHENCK -VS- SHATTUCK] originated in the

Green County Second District Court of Appeals, were we the people of Green County won said conviction. The entire case is a MOCKERY OF JUSTICE because the people had become victorious at the hands of their enemies only to be OVER-RULED to show contempt for the free people of Ohio and that the Judicial Branch of our Federal Government was withdrawing from the "PERFECT UNION" to rule over free people as KINGS. The Case of [SCHENCK -VS- SHATTUCK] WILL GO DOWN IN HISTORY as the Ohio Supreme Court Appointed Judson L. Shattuck Jr. to the Second REICH JUDICIAL POSITION without the ADVICE & CONSENT OF THE PEOPLE NOR BY THE PEOPLE. William F. Schenck now holds a SECOND REICH POSITION and is a member of the NEW REICH-RAT REPUBLIC who refused to prosecute bank embezzlers Wayne Spar and others who have for five years embezzled money from the estate of James H. & Rosa Ann Cossett. Moreover, Gerald P. Summers of the FEDERAL HOME LOAN BANK BOARD has also refused to prosecute as well as the UNITED STATES ATTORNEY D. MICHAEL CRITES.

"IF THEIR IS ANY BEDROCK" practical imperative idea in the First Amendment, it is EXCLUSIVELY for "RESPECTING THE ESTABLISHMENT OF RELIGION by"FREE EXERCISE THEREOF" and NOT respecting the establishment of SECOND REICH NEW FEDERAL POSITIONS by burning OUR FLAG. The SECOND REICH, having established their positions in the United States of America, the American Flag was ripped from the arm bands of Americans fighting in the Persian GULF. While Americans fought for the rights of others, Americans now must fight the domestic insurrection committed by the five members of the U.S. Supreme Court who refuse to protect our freedom or to protect OUR FLAG.

The five members of the U.S. Supreme Court said "WE HAVE A NEW PATRIOTISM AND NO PATRIOTISM" What this means is they have NO RESPECT FOR RELIGION AND THE DEAD WHO FOUGHT TO DEFEND OUR FLAG and their new PATRIOTISM is to the "NEW IDEA" SECOND REICH FEDERAL JUDICIAL POSITIONS and NO PATRIOTISM for the civil rights of free people

President George Bush holds a new Patriotism to THE REICH-RAT REPUBLICAN party and continues

to cover the dirty tracks of THE NEW SECOND REICH. In order to do so, he has appointed David Souter to The United States Supreme Court. The previous appointment of David Souter to a SECOND REICH FEDERAL JUDICIAL POSITION for two and one-half months under P.L. 98-353 qualifies him as a member of THE NEW REICH-RAT REPUBLIC & by his foreign origin, gives we the people just cause to remove David Souter the full Senate has passed expost facto law and Congress is forbidden from passing such law by giving their ADVICE AND CONSENT to cover the dirty tracks of those who burn OUR FLAG.

TAXATION WITHOUT REPRESENTATION

THE NEW FEDERAL JUDICIAL POSITIONS that Herman J. Weber, Judson L. Shattuck Jr. and others now hold as a SECOND REICH JUDICIAL POSITION was NOT ORDAINED AND ESTABLISHED by the full U.S. Congress under Article Three of the Constitution of the United States of America. Moreover they have withdrawn from our "PERFECT UNION" and burned OUR FLAG. We the people still pay taxes to these revolutionaries yet they deny our free right to DEMAND a trial by jury. All persons

who hold Federal or State Judicial Positions under P.L. 98-353 ARE BEING PAID BY TAXATION WITHOUT REPRESENTATION OF THE CONSTITUTION OF THE PEOPLE AND BY THE PEOPLE. George Bush said "READ MY LIPS NO NEW TAXES" Instead, we pay bondage to THE NEW SECOND REICH who burn our FLAG. WITH WHAT RIGHT CAN THE JUDICIAL BRANCH OF GOVERNMENT INFRINGE ON A DIVINE PROVIDENCE TO ESTABLISH THE WORKS OF THE DEVIL? IS THEIR A SEPARATION OF GOOD FROM EVIL IN THE MINDS OF THE DEFENDANTS RELATED?

/S/
JAMES H. COSSETT

/S/
ROSA ANN COSSETT

A void act cannot be legal consistent with a valid one. An unconstitutional law cannot operate to supersede any existing law.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

JAMES HAROLD COSSETT et al;	:	CASE NO. C-3-90-183
PLAINTIFFS,	:	FILE STAMP JULY
-VS-	:	10,1991 A.M. 9:02
THE FEDERAL JUDICIARY et al;	:	DISTRICT JUDGE WALTER HERBERT RICE
DEFENDANTS.	:	MAGISTRATE JUDGE MICHAEL R. MERZ

REPORT AND RECOMMENDATIONS OF U.S. MAGISTRATE (JUDGE)

This case is before the court upon PLAINTIFFS "JURY DEMANDS WITH MOTION TO REDOCKET & REOPEN THE FLAG BURNING ISSUE THAT WAS PREVIOUSLY RAISED IN THIS CASE AND TERMINATED UPON THE DOCKET" #51

Final judgement was entered in this action Jan. 31,1991. No appeal has been taken from that judgment[1] and the time for appeal to the Sixth Circuit Court of Appeals has expired. Thus any modification of the judgement must be by way of motion for relief from judgement under Fed. R. Civ. P.60

[1]On Dec. 10,1990,I struck Plaintiffs' purported Appeal from earlier orders in this case to the United States Congress (DOC.# 45).

Plaintiffs' Motion dose not purport to state any recognized grounds for relief from judgement under that rule. Instead, it appears to be a reincarnation of Plaintiffs' prior conspiracy theory about flag burning, this time embellished with reference to what the "REICH-RAT REPUBLIC". Since no grounds cognizable under Rule 60 have been stated, the motion should be DENIED.

Plaintiffs have been previously admonished, both by the Magistrate Judge and by District Judge Rice, of the provisions of Fed. R. Civ. P 11 prohibiting filing papers with no reasonable basis in facts or law, which this motion certainly is. Indeed Plaintiffs' have been sanctioned under Rule 11 before their filings. PLAINTIFFS ARE AGAIN CAUTIONED AGAINST FILINGS WHICH HAVE NO RELATIONSHIP TO THE REAL WORLD.

JULY 9,1991

/S/

MICHAEL R. MERZ
UNITED STATES MAGISTRATE
JUDGE

(DOC. #52)

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF OHIO

WESTERN DIVISION AT DAYTON

JAMES H. COSSETT et al	:	CASE NO. C-3-90-183
PLAINTIFFS	:	File stamp July 10,1992 A.M. 9:02
-VS-	:	DISTRICT JUDGE RICE
THE FEDERAL JUDICIARY et al;	:	MAGISTRATE JUDGE MERZ
DEFENDANTS	:	DUE DATE: 7/29/91
	:	(rev. 6/27/91)

NOTICE OF FILING OF REPORT AND RECOMMENDATIONS

Attached is a Report and recommendation of U.S. magistrate Judge Michael R. Merz. filed on the above file_ stamp date.

Pursuant to Fed.R. Civ. P 72 (b), any party may serve and file specific, written objections to the proposed findings and recommendations within ten days after being served with this report and recommendations. pursuant to Federal R. Civ. P. 6 (e), this period is extended to thirteen days (excluding intervening Sat. Sun. & legal Holidays) because this report is being served by mail. Such objections shall specify the portions of this Report objected to and shall be accompanied by a memoradum of law in support of the objections. If the report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another parties' objections within ten days after being served with a copy thereof.

FAILURE TO MAKE OBJECTIONS IN ACCORDANCE WITH THIS PROCEDURE MAY FORFEIT RIGHT ON APPEAL. SEE United States V. Walters, 638, F.2d 947 (6th Cir. 1981) Thomas V. Arn, 474 U.S. 140 (1985).

?s?

JULY 10,1991 DOC.52

MICHAEL R. MERZ (JUDGE)

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF OHIO

WESTERN DIVISION AT DAYTON

JAMES H. & ROSA ANN COSSETT et al.,	+	CASE NO. C-3-90-183
PLAINTIFFS;	+	GOVERNMENTAL RELIGION
	+	MAGISTRATE MICHAEL R. MERZ
-VS-	+	NOTICE OF APPEAL
THE FEDERAL JUDICIARY et al;	+	MOTION TO PROCEED IN
	+	FORM PAUPERIS
DEFENDANTS.	+	MOTION TO ABSTAIN,
FILE-STAMP JULY 22,1991	+	PENDING OUTCOME OF
	+	APPEAL
	+	

NOTICE IS HERE BY GIVEN THAT JAMES H. & ROSA ANN COSSETT APPEAL TO THE UNITED STATES SUPREME COURT, FOR BINDING INSTRUCTIONS TO THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO AT DAYTON, TO HONER "THE CONSENT OF THE GOVERNED" CLAUSE ESTABLISHED IN THE DECLARATION OF INDEPENDENCE JULY 4,1776. MOREOVER TO HONER OUR RIGHTS TO DEMAND A TRIAL BY JURY ESTABLISHED IN OUR BILL OF RIGHTS DECEMBER 15,1791 SEVENTH AMENDMENT OF THE UNITED STATES CONSTITUTION.

MOTION TO PROCEED IN FORM PAUPERIS

NOW COME JAMES H. & ROSA ANN COSSETT AND MOVE THE COURT FOR LEAVE TO FILE AN APPEAL TO THE UNITED STATES SUPREME COURT TO PROTECT THE AMERICAN FLAG FROM HARMS WAY, AND TO PROCEED WITH SUCH IN THE FORM PAUPERIS.

MOTION TO ABSTAIN PENDING THE OUTCOME OF APPEAL

NOW COME JAMES H. & ROSA ANN COSSETT AND MOVE THE COURT TO ABSTAIN, PENDING THE OUTCOME OF APPEAL FILED WITH THE UNITED STATES SUPREME COURT TO SEND BINDING INSTRUCTION TO THIS COURT AS TO OUR DEMANDS FOR TRIAL BY JURY IN THE CASE OF S&L EMBEZZLEMENT AT THE MERCHANTS & MECHANIC FEDERAL SAVINGS AND LOAN ASSOCIATION OF SPRINGFIELD, OHIO.

/S/
JAMES H. COSSETT

/S/
ROSA ANN COSSETT

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

JAMES H. COSSETT, et al., : Civil Action No. C-3-90-183

Plaintiffs, : District Judge Walter Herbert Rice

-vs-

THE FEDERAL JUDICIARY, et al., : Magistrate Judge Michael R. Merz

Defendants :

ORDER STRIKING NOTICE OF APPEAL AND DENYING LEAVE TO APPEAL IN FORMA PAUPERIS AND TO ABSTAIN

This case is before the Court upon the filing of Plaintiffs' Notice of Appeal, Motion to Proceed in forma pauperis, and Motion to Abstain Pending Outcome of Appeal (Doc #53). Received by the Clerk with this combined motion is a document captioned "Writ of Certiorari" in the United States Supreme Court, purporting to be on appeal from an order of the United States Magistrate Judge.

On July 10, 1991, I recommended that Plaintiffs' Motion to reopen the case (Doc #51) be denied because it stated no grounds for

relief from judgment cognizable under Fed. R. Civ. P. 60. From the content of Plaintiffs' "Writ of Certiorari," it appears that this is the matter from which they are purporting to appeal.

The Notice of Appeal is STRICKEN. No appeal lies from a Magistrate Judge's Recommendations to the United States Supreme Court. As Plaintiffs were notified at the time the Recommendation was made, the proper route for appeal is by way of objections to the assigned district judge, the Honorable Walter Herbert Rice.

The Motion for leave to proceed in forma pauperis in the United States Supreme Court is DENIED. Under Supreme Court Rule 39, a motion for leave to proceed in forma pauperis in that Court must be filed in that Court. The district courts have no authority to grant or deny in forma pauperis status for Supreme Court proceedings.

Finally, Plaintiff's Motion to Abstain Pending Appeal is DENIED. The court assumes

this is a request for a stay of execution of the sanctions judgment pending appeal. But there is no pending appeal. If Plaintiffs were to request a stay of execution pending the outcome of any objections they might file to the pending Recommendations, the court would consider that under Fed. R. Civ. P. 62 and it would be conditioned on the posting of an appropriate supersedeas bond.

July 23, 1991.

/S/
Michael R. Merz
UNITED STATES MAGISTRATE JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

JAMES H. & ROSA ANN COSSETT

PLAINTIFFS : CIVIL ACTION NO. C-3-183

-VS-

THE FEDERAL JUDICIARY ET AL. JUDGE WALTER RICE

DEFENDANTS :

OBJECTION TO GOVERNMENTAL RELIGION AND ALL ORDERS CONSTITUTING CONDITIONS OF SERVITUDE, BY DEFACTO JUDGE MAGISTRATE MICHAEL R. MERZ, SITTING ON THE BAR OF JUSTICE AS A FEDERAL JUDICIAL RELIGIOUS POSITION AND ALL "REPORTS AND RECOMMENDATIONS" MADE THERE UNDER WITHOUT "THE CONSENT OF GOVERNED" JAMES H. & ROSA ANN COSSETT.

JULY 29, 1991.

/S/
JAMES H. COSSETT

/S/
ROSA ANN COSSETT

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JAMES H. & ROSA ANN COSSETT,	:	FILE STAMP
Plaintiffs,	:	AUG. 29, 1991
vs.	:	CASE NO. C-3-90-183
THE FEDERAL JUDICIARY, et al.	:	JUDGE WALTER
Defendants.	:	HERBERT RICE

- -

DECISION AND ENTRY SUSTAINING REPORT AND RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE; PLAINTIFFS" MOTION TO REOPEN CASE, CONSIDERED AS A MOTION FOR RELIEF FROM JUDGMENT PURSUANT TO FED. R. CIV. P. 60 (DOC #51) DENIED

- -

Based upon the reasoning set forth by the United States Magistrate Judge in his Report and Recommendations of July 10, 1991 (Doc. #52), the Plaintiffs' Motion, seeking an Order of the Court reopening the captioned cause, said Motion considered as a Motion for Relief from Judgment pursuant to Fed. R. Civ. P. 60 (Doc #51) is denied.

In so ruling, this Court states that it has read, in its entirety, a document which

purports to be the Plaintiffs' Objections (Doc. #53) to said Report and Recommendations.

/S/

WALTER HERBERT RICE

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF OHIO

WESTERN DIVISION AT DAYTON

JAMES H. & ROSA ANN COSSETT

v.

THE FEDERAL JUDICIARY, et al

FILE STAMP
AUGUST 29, 1991
10:09 AM

JUDGMENT IN A CIVIL CASE

Case Number

C-3-90-183

Jury Verdict. This action came before the Court for a trial by jury.

x Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that the Report and Recommendation of the Magistrate Judge is granted and that Plaintiff's Motion to reopen case, considered as a Motion for relief from Judgment is denied.

August 29, 1991
Date

Kenneth J. Murphy
Clerk

/S/
(By) Deputy Clerk
Gerald M. Burke

(DOC #57)

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JAMES H. & ROSA ANN COSSETT;

Plaintiffs,

v.

THE FEDERAL JUDICIARY, et al.,

Defendants.

FILE STAMP
AUGUST 30, 1991
3:57 PM

Case No. C-3-90-183

Judge Walter Herbert Rice

- -

ENTRY OVERRULING "OBJECTIONS" (DOC #55) TO MAGISTRATE JUDGE'S ORDER STRIKING NOTICE OF APPEAL AND DENYING LEAVE TO APPEAL IN FORMA PAUPERIS AND TO ABSTAIN (DOC. #54)

- -

The Plaintiffs' "Objection to Governmental Religion and all Orders Constituting Conditions of Servitude, by Defacto Judge Magistrate Michael R. Merz, etc." (Doc. #55), purporting to be Objections to the Magistrate Judge's Order Striking Notice of Appeal and Denying Leave to Appeal In Forma Pauperis and to Abstain, filed July 23, 1991 (Doc. #54) is overruled.

/s/

WALTER HERBERT RICE

UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

JAMES H. & ROSA ANN COSSETT,

PLAINTIFFS,

-VS-

THE FEDERAL JUDICIARY, ET AL.,

DEFENDANTS.

DATE STAMP
SEPTEMBER 9, 1991
10:02 AM

CASE NO. C-3-90-183

JUDGE WALTER HERBERT RICE

"OVERRULING" FREEDOM OF RELIGION, UNDER "NEW IDEA" GOVERNMENTAL RELIGION!

(DOC #58) AUG 30, 1991

- -

NOTICE OF APPEAL
TO THE UNITED STATES SUPREME COURT

- -

The Plaintiffs hereby give Notice that we will appeal to the United States Supreme Court for relief from the "NEW IDEA GOVERNMENTAL FORM OF RELIGION, OPPRESSION AND CONDITIONS OF SERVITUDE.

/S/
JAMES HAROLD COSSETT

/S/
ROSA ANN COSSETT

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

JAMES H. & ROSA ANN COSSETT	:	CASE NO. C-3-90-183
	:	Judge Walter Herbert Rice
PLAINTIFFS	:	
-VS-	:	APPEAL FOR DECLARATORY JUDGMENT
THE FEDERAL JUDICIARY ET AL	:	FILE STAMP SEPTEMBER 19, 1991
DEFENDANTS	:	

- -

NOTICE OF APPEAL TO THE
UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

- -

Notice is hereby given that the Plaintiffs James H. & Rosa Ann Cossett Appeal to the United States Court of Appeals for the Sixth Circuit, for a DECLARATORY JUDGEMENT to clarify the Constitutional First Amendment Exclusive rights to FREEDOM OF RELIGION of the Plaintiffs James H. & Rosa Ann Cossett. Said Judgement is sought in aid to our "PETITION FOR A WRIT OF CERTIORARI tc the United States

Supreme Court. (copy is att.)

/S/
JAMES H. COSSETT

/S/
ROSA ANN COSSETT

No 3926

UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

JAMES HAROLD COSSETT; ROSA ANN COSSETT, Plaintiffs-Appellants, THE FEDERAL JUDICIARY; JOSEPH R. BIDEN,JR, United States Senate; Jack Brooks, U.S. House of Representatives; GERALD P. SUMMERS, Federal Home Loan Bank Board; D. MICHAEL CRITES, U.S. Attorney of Ohio, Southern District; WILLIAM A. CLARK; HERMAN J. WEBER, U.S. District Court Judge; MICHAEL DEWINE; GEORGE W. LEDFORD, Trustee; JAMES A. RHODES; STATE OF OHIO; RICHARD CELESTE; JUDSON L. SHATTUCK, JR.; WILLIAM SCHENCK; DAVID L. HOBSON; JOSEPH E. HAINES; MERCHANTS & MECHANICS FEDERAL SAVINGS & LOAN ASSOCIATION; WAYNE SPAHR, Past V.P. Merchants & Mechanics; MARY MCCORMICK, Past V.P. Merchants & Mechanics; JEROME M. STROZDAS, Defendants-Appellees.	FILE STAMP MARCH 31, 1992 O R D E R NOT RECOMMENDED FOR FULL-TEXT PUBLICATION

BEFORE: KENNEDY and SILER, Circuit Judges, and KRUPANSKY, Senior Circuit Judge.

James Harold Cossett and Rosa Ann Cossett,

Ohio residents, appeal pro se from a district court order which denied their motion for relief from judgment pursuant to Fed. R. Civ. P. 60(b). The Cossetts have filed a motion for initial hearing of this appeal en banc, but the motion is untimely, pursuant to Fed. R. App. P. 35(c). This case has been referred to a panel of the court pursuant to Rule 9(a), Rules of the Sixth Circuit. Upon examination, this panel unanimously agrees that oral argument is not needed. Fed. R. App. P. 34(a).

The Cossetts filed a motion to reopen a case which the district court had dismissed for failure to state a claim. The motion was construed as one for relief from judgment under Fed. R. Civ. P. 60(b). The magistrate judge recommended that it be denied, as it failed to set forth any grounds for relief as provided in the Rule. The district court adopted this recommendation and denied the motion. The Cossetts have filed an incomprehensible brief and "appendices" in this court. Appellee Shattuck has filed a brief in which he requests

double costs and attorney fees pursuant to Fed. R. App. P. 38.

Upon consideration, it is concluded that the district court did not abuse its descretion in denying the motion for relief from judgment. See Windsor v. United States Dep't of Justice, 740 F.2d 6,7 (6th Cir. 1984) (per curiam). Moreover, it is determined that appellee Shattuck's request for double costs and attorney fees under Fed. R. App. P. 38 should be granted, as this appeal is frivolous, unreasonable, and without foundation, see Wrenn v. Gould, 808 F.2d 493, 505 (6th Cir. 1987), and appears to have been pursued for harassment or other improper purpose. See Dallo v. INS, 765 F.2d 581, 589 (6th Cir. 1985). Accordingly, appellee Shattuck is directed to submit a bill of costs and attorney fees within fourteen days of the date of this order.

The district court's order is affirmed. Rule 9(b)(3), Rules of the Sixth Circuit.

ENTERED BY ORDER OF THE COURT

/S/
Leonard Green
Clerk

ISSUED AS MANDATE: April 24, 1992

COSTS: Pending

Filing Fee . . . . . None .$

Printing . . . . . None .$

Total . . . . . None .$

A TRUE COPY

Attest:

LEONARD GREEN, Clerk

By /S/
Valerie Fields
Deputy Clerk

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

ORDER

JAMES HAROLD COSSETT;
ROSA ANN COSSETT

FILE STAMP
MAY 1, 1992

Plaintiffs-Appellants

v.

THE FEDERAL JUDICIARY , ET AL;
(SAME LIST AS ON DOC #64)

Defendants-Appellees

It appearing to the court that the mandate was inadvertently issued on April 24, 1992 for the above-styled appeal,

It is ORDERED that the mandate is hereby recalled and the case is restored to the active docket.

A TRUE COPY
Attest:
LEONARD GREEN, Clerk

By /S/
Teresa Bertke
Deputy Clerk

ENTERED PURSUANT TO RULE 8(b)
RULES OF THE SIXTH CIRCUIT.
Leonard Green, Clerk

/S/
Leonard Green

Rule 8(b) Procedural Motions: The Clerk may prepare, sign and enter orders or otherwise dispose of the following matters without submission to the court or a judge.

No. 91-3926

UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

JAMES HAROLD COSSETT;
ROSA ANN COSSETT,

Plaintiffs-Appellants,

v.

THE FEDERAL JUDICIARY; JOSEPH R. BIDEN, JR., United States Senate; JACK BROOKS, U.S. House of Representatives; GERALD P. SUMMERS, Federal Home Loan Bank Board; D. MICHAEL CRITES, U.S. Attorney of Ohio, Southern District; WILLIAM A. CLARK; HERMAN J. WEBER, U.S. District Court Judge; MICHAEL DEWINE; GEORGE W. LEDFORD, Trustee; JAMES A. RHODES; STATE OF OHIO; RICHARD CELESTE; JUDSON L. SHATTUCK, JR.; WILLIAM SCHENCK; DAVID L. HOBSON; JOSEPH E. HAINES; MERCHANTS & MECHANICS FEDERAL SAVINGS & LOAN ASSOCIATION; WAYNE SPAHR, Past V.P. Merchants & Mechanics; MARY MCCORMICK, Past V.P. Merchants & Mechanics; JEROME M. STROZDAS,

Defendants-Appellees.

FILE STAMP
MARCH 31, 1992

FILE STAMP
JUNE 16, 1992
9:23 AM
KENNETH J. MURPHY

O R D E R

C-3-90-183

BEFORE: KENNEDY and SILER, Circuit Judges, and KRUPANSKY, Senior Circuit Judge.

(DOC #66)

James Harold Cossett and Rosa Ann Cossett, Ohio residents, appeal pro se from a district court order which denied their motion for relief from judgment pursuant to Fed. R. Civ. P. 60(b). The Cossetts have filed a motion for initial hearing of this appeal en banc, but the motion is untimely, pursuant to Fed. R. App. P. 35(c). This case has been referred to a panel of the court pursuant to Rule 9(a), Rules of the Sixth Circuit. Upon examination, this panel unanimously agrees that oral argument is not needed. Fed. R. App. P. 34(a).

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Shattuck has filed a brief in which he requests double costs and attorney fees pursuant to Fed. R. App. P. 38.

Upon consideration, it is concluded that the district court did not abuse its discretion in denying the motion for relief from judgment. See Windsor v. United States Dep't of Justice, 740 F.2d 6, 7 (6th Cir. 1984) (per curiam). Moreover, it is determined that appellee Shattuck's request for double costs and attorney fees under Fed. R. App. P. 38 should be granted, as this appeal is frivolous, unreasonable, and without foundation, see Wrenn v. Gould, 808 F.2d 493, 505 (6th Cir. 1987), and appears to have been pursued for harassment or other improper purpose. See Dallo v. INS, 765 F2d 581, 589 (6th Cir. 1985). Accordingly, appellee Shattuck is directed to submit a bill of costs and attorney fees within fourteen days of the date of this order.

The district court's order is affirmed. Rule 9(b)(3), Rules of the Sixth Circuit.

(3) The facts and legal arguments are

adequately presented in the briefs and record, and the decisional process would not be significantly aided by oral argument;

ENTERED BY ORDER OF THE COURT

/S/
Leonard Green
Clerk

ISSUED AS MANDATE: 6/8/92

COSTS: (Awarded to appellee)

Filing Fees:	None
Printing:	$1,406.94
Total:	$1,406.94

A TRUE COPY
Attest:
LEONARD GREEN, Clerk
By /S/
Valerie Fields
Deputy Clerk

UNITED STATES COURT OF APPEALS
SIXTH CIRCUIT
538 U.S. POST OFFICE & COURTHOUSE BUILDING
CINCINNATI, OHIO 45202-3088

LEONARD GREEN
Clerk

TELEPHONE
(513) 684-2953
FTS 684-2953

June 8, 1992

Kenneth J. Murphy
Southern District of Ohio at Dayton
200 W. Second Street
Suite 712 Federal Building
Dayton, OH 45402

RE: 91-3926

Cossett vs. Federal Judiciary

District Court No. 90-00183

Dear Mr. Murphy:

Enclosed please find:

The mandate issued in the above-styled case.

Please be advised that the certified record was previously sent on April 30, 1992.

Very truly yours,
Leonard Green, Clerk

/S/
(Ms.) Valerie Fields
Deputy Clerk

JAMES H. & ROSA ANN COSSETT
P. O. BOX 191
BOWERSVILLE, OH 45307
(513) 453-2432

FILE STAMP RECEIVED
SEPTEMBER 24, 1992

September 22, 1992 CASE NO. C-3-90-183

Supreme Court of the United States
Office of the Clerk (Chief Deputy Clerk)
Mr. Francis J. Lorson
Washington, D. C. 20543

Dear Mr. Lorson:

RE: JAMES H. COSSETT, ET UX V. THE FEDERAL JUDICIARY, ET AL

PER YOUR REQUEST TO RECONSTRUCT THE "APPENDIX" TO OUR WRIT OF CERTIORARI

While on an appeal to the United States Court of Appeals for the Sixth Circuit for a "DECLARATORY JUDGEMENT" to clarify our rights to "FREEDOM OF RELIGION" under our First Amendment rights, we have perfected said appeal and found that the "MANDATE", as to the separation of CHURCH and STATE and "FREEDOM OF RELIGION", has been "RECALLED" by the Federal Judiciary, et al,

upon the "DESECRATION" of our American Flag. See [TEXAS V. JOHNSON]. This important information is certified on the Docket of the United States District Court for the Southern District of Ohio Western Division at Dayton. (Docket numbers one through sixty-six). The last Docket entry was June 16,1992. THIS IS THE MOST OUTRAGEOUS ACT EVER WITNESSED IN THE HISTORY OF THE UNITED STATES OF AMERICA. Also per your request that we add a supplemental "Appendix" to our writ of certiorari and make service to all parties to this action, we are and will be pleased to do so.

We have taken the liberty to serve a certified copy of the aforementioned "Appendix" to Mr. Thomas Foley, Speaker of the House of Representatives, as the information contained therein is of imperative importance to the full United States Congress. Moreover, this information is of imperative PUBLIC importance to protect our CROSS and our FLAG in order that no person of high government position will attempt to amend the December 15, 1791 date of "SUPREME POSITION" found on our "BILL OF RIGHTS"; (9) "BY THE

PEOPLE", (10) "TO THE PEOPLE".

In the interest of justice, please docket the case to protect our CROSS and our FLAG from unjust "DESECRATION" by the Federal Judiciary and others.

Respectfully,

/S/
JAMES H. COSSETT

/S/
ROSA ANN COSSETT